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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,806	12/02/2003	Mary Darlene Temple	671.001	3327

7590 09/24/2009

Mary Darlene Temple  
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EXAMINER	
ACKUN, JACOB K	

ART UNIT	PAPER NUMBER
3728	

MAIL DATE	DELIVERY MODE
09/24/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Failure to Acceptably Respond to Notice of Non-Compliant Amendment (37 CFR 1.121)</b> <i>No New Time Period for Reply is Provided</i>	Application No. 10/725,806	Applicant(s) TEMPLE, MARY DARLENE	
		Art Unit 2100	

The amendment document filed on 21 August, 2009 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 03 February, 2009. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).**

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

☐ A. Amended paragraph(s) do not include markings.

☐ B. New paragraph(s) should not be underlined.

☐ C. Other

☐ 2. Abstract:

☐ A. Not presented on a separate sheet. 37 CFR 1.72.

☐ B. Other

☐ 3. Amendments to the drawings:

☒ 4. Amendments to the claims:

☐ A. A complete listing of all of the claims is not present.

☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)

☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).

☐ D. The claims of this amendment paper have not been presented in ascending numerical order.

☒ E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

Supervisory Legal Instruments Examiner (SLIE) : /ROSS W. BROWN/

Continuation of 4.E Other: Please see the enclosed second Notice to Respond to Excess Claim Fees.

<b>NOTICE OF FAILURE TO FULLY RESPOND TO NOTICE REQUIRING EXCESS CLAIMS FEES</b> <i>No New Time Period for Reply is Provided</i>	<b>Application No.</b> 10/725,806	<b>Applicant(s)</b> TEMPLE, MARY DARLENE	
		<b>Art Unit</b> 2100	

The reply filed on 21 August, 2009 is not fully responsive to the Notice Requiring Excess Claims Fees mailed on 03 February, 2009 because the required fee(s) has not been paid. The fee(s) listed below must be timely filed to avoid abandonment of this application. The time period for reply continues to run from the mailing date of the Notice Requiring Excess Claims Fees. No new time period for reply is provided in this communication.

If the period for reply set forth in the Notice Requiring Excess Claims Fees has expired, this application will become **ABANDONED** unless applicant: (1) corrects the deficiency, **and** (2) obtains an extension of time under 37 CFR 1.136(a), within **SIX (6) MONTHS** from the mailing date of the Notice Requiring Excess Claims Fees.

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee due. The expiration of the time period is determined by the amount of the fee paid.

**TOTAL EXCESS CLAIMS FEES DUE 946** (See note below.)

**Applicant must also submit the appropriate extension of time fee as set forth in 37 CFR 1.17(a).**

Explanation (Provide specific details of fee(s) required (*e.g.*, credit card authorization refused; service charge(s) not remitted; amount of fee(s) due has changed, etc.)):

Initially a total of 20 dependent claims and 4 independent were filed on 12-02-03. On 07-25-08, claims 11-20 were withdrawn. On 01-26-09 and 03-03-09, claim 9 was cancelled and claims 21 through 31 was added. On 08-21-09, 6 claims were cancelled and 2 claims were withdrawn; however, 19 claims were added. As of your last response on 08-21-09, no additional claim fees have been paid. (Please note that although claims have been withdrawn from the application, new claims fees must be paid.) A total of 22 dependment and 1 dependent claim fee is due ( $\$43 \times 22 = 946$ , and  $1 \times 43 = 43$ , which totals \$946.

**NOTE: THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.17, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>.**

Technical Support Staff (TSS):  
/ROSS W. BROWN/

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**Note to TSS: Please do NOT use this Notice unless a Notice Requiring Excess Claims Fees (PTOL- 319) has already been mailed.**